

**Calendar No. 283**115TH CONGRESS  
1ST SESSION**S. 1322****[Report No. 115–193]**

To establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 8, 2017

Mr. SULLIVAN (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 11, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Fisheries  
3 Advisory Committee Act”.

4 **SEC. 2. AMERICAN FISHERIES ADVISORY COMMITTEE.**

5 (a) ESTABLISHMENT.—Section 2 of the Act of Au-  
6 gust 11, 1939 (15 U.S.C. 713c-3), is amended by adding  
7 at the end the following:

8 “(f) AMERICAN FISHERIES ADVISORY COMMITTEE.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) COMMITTEE.—The term ‘Committee’  
11 means the American Fisheries Advisory Com-  
12 mittee established under paragraph (2).

13 “(B) FISHING COMMUNITY.—The term  
14 ‘fishing community’ means harvesters, market-  
15 ers, growers, processors, recreational fishermen,  
16 charter fishermen, and persons providing them  
17 with goods and services.

18 “(C) MARKETING AND PROMOTION.—The  
19 term ‘marketing and promotion’ means an ac-  
20 tivity aimed at encouraging the consumption of  
21 seafood or expanding or maintaining commer-  
22 cial markets for seafood.

23 “(D) PROCESSOR.—The term ‘processor’  
24 means any person in the business of preparing  
25 or packaging seafood (including seafood of the  
26 processor’s own harvesting) for sale.

1           “(E) SEAFOOD.—The term ‘seafood’  
2           means farm-raised and wild-caught fish, shell-  
3           fish, or marine algae harvested in the United  
4           States or by a United States flagged vessel for  
5           human consumption.

6           “(2) ESTABLISHMENT.—Not later than 90 days  
7           after the date of the enactment of the American  
8           Fisheries Advisory Committee Act, the Secretary  
9           shall establish 6 regions within the American Fish-  
10          eries Advisory Committee as follows:

11           “(A) Region 1 shall consist of Alaska, Ha-  
12          waii, the Commonwealth of the Northern Mar-  
13          iana Islands, and the Territories of Guam and  
14          American Samoa.

15           “(B) Region 2 shall consist of Maine, New  
16          Hampshire, Massachusetts, Rhode Island, and  
17          Connecticut.

18           “(C) Region 3 shall consist of Texas, Ala-  
19          bama, Louisiana, Mississippi, Florida, Arkan-  
20          sas, Puerto Rico, and territory of the Virgin Is-  
21          lands.

22           “(D) Region 4 shall consist of California,  
23          Washington, Oregon, and Idaho.

1           “(E) Region 5 shall consist of New Jersey,  
2           New York, Delaware, Maryland, Virginia,  
3           North Carolina, South Carolina, and Georgia.

4           “(F) Region 6 shall consist of Michigan,  
5           Minnesota, Wisconsin, Illinois, Indiana, Ohio,  
6           and Pennsylvania.

7           “(3) MEMBERSHIP.—The Committee shall be  
8           composed of the following members:

9           “(A) REGIONAL REPRESENTATION.—Each  
10           of the regions listed in subparagraphs (A)  
11           through (F) of paragraph (2) shall be rep-  
12           resented on the Committee by 3 members—

13                   “(i) who are appointed by the Sec-  
14                   retary;

15                   “(ii) who reside in a State or territory  
16                   in the region that the member will rep-  
17                   resent;

18                   “(iii) of which—

19                           “(I) one shall have experience as  
20                           a seafood harvester;

21                           “(II) one shall have experience as  
22                           a processor; and

23                           “(III) one shall have experience  
24                           as a recreational fisher; and

1           “(iv) that are selected so that the  
2           members of the Committee have experience  
3           or expertise with as many seafood species  
4           as practicable.

5           “(B) AT-LARGE MEMBERS.—The Secretary  
6           shall appoint to the Committee at-large mem-  
7           bers to ensure that the Committee fairly re-  
8           flects the expertise and interest of the fishing  
9           community located in each region, as follows:

10           “(i) One individual with experience in  
11           mass market food distribution.

12           “(ii) One individual with experience in  
13           mass market food retail or food service.

14           “(iii) One individual with experience  
15           in the marketing of seafood.

16           “(iv) One individual with experience  
17           in growing seafood.

18           “(v) One individual with experience as  
19           a recreational fisher.

20           “(vi) One individual who is an em-  
21           ployee of the National Marine Fisheries  
22           Service with expertise in fisheries research.

23           “(vii) One individual that represents  
24           the fisheries science community.

1           “(4) MEMBER TERMS.—The term for a member  
2 of the Committee shall be 3 years, except that the  
3 Secretary shall designate staggered terms for the  
4 members initially appointed to the Committee.

5           “(5) RESPONSIBILITIES.—The Committee shall  
6 be responsible for—

7           “(A) identifying needs of the fishing com-  
8 munity that may be addressed by a project  
9 funded with a grant under subsection (e);

10           “(B) developing the request for proposals  
11 for such grants;

12           “(C) reviewing applications for such  
13 grants; and

14           “(D) selecting applications for approval  
15 under subsection (e)(2)(B).

16           “(6) CHAIR.—The Committee shall elect a chair  
17 by a majority of those voting, if a quorum is  
18 present.

19           “(7) QUORUM.—A simple majority of members  
20 of the Committee shall constitute a quorum, but a  
21 lesser number may hold hearings.

22           “(8) MEETINGS.—

23           “(A) FREQUENCY.—The Committee shall  
24 meet not more than 2 times each year.

1           “(B) LOCATION.—The meetings of the  
2           Committee shall rotate between the geographic  
3           regions described under paragraph (2).

4           “(9) STAFF.—The Committee may employ staff  
5           as necessary.

6           “(10) PER DIEM AND EXPENSES AND FUND-  
7           ING.—

8           “(A) IN GENERAL.—A member of the  
9           Committee shall serve without compensation,  
10          but shall be reimbursed in accordance with sec-  
11          tion 5703 of title 5, United States Code, for  
12          reasonable travel costs and expenses incurred in  
13          performing duties as a member of the Com-  
14          mittee.

15          “(B) FUNDING.—The reimbursements  
16          made under subparagraph (A) shall be paid  
17          with the funds made available for grants under  
18          subsection (e).

19          “(11) CONFLICT OF INTEREST.—The conflict of  
20          interest and recusal provisions set out in section  
21          302(j) of the Magnuson-Stevens Fishery Conserva-  
22          tion and Management Act (16 U.S.C. 1852(j)) shall  
23          apply to any decision by the Committee and to all  
24          members of the Committee as if each member of the  
25          Committee is an affected individual within the mean-

1       ing of such section 302(j), except that in addition to  
 2       the disclosure requirements of section 302(j)(2)(C)  
 3       of such Act (16 U.S.C. 1852(j)(2)(C)), each member  
 4       of the Committee shall disclose any financial interest  
 5       or relationship in an organization or with an indi-  
 6       vidual that is applying for a grant under subsection  
 7       (e) held by the member of the Committee, including  
 8       an interest as an officer, director, trustee, partner,  
 9       employee, contractor, agent, or other representa-  
 10      tive.”

11      (b) ~~ROLE IN APPROVAL OF GRANTS.~~—Section  
 12      2(e)(3) of the Act of August 11, 1939 (15 U.S.C. 713e-  
 13      3(e)(3)), is amended to read as follows:

14      “(3)(A) No application for a grant under this sub-  
 15      section may be approved unless—

16                   “(i) the Secretary is satisfied that the ap-  
 17                   plicant has the requisite technical and financial  
 18                   capability to carry out the project;

19                   “(ii) the Secretary evaluates the proposed  
 20                   project as to—

21                           “(I) the selections of the Committee  
 22                           established in subsection (f);

23                           “(II) soundness of design;

24                           “(III) the possibilities of securing pro-  
 25                           ductive results;

1           “(IV) minimization of duplication with  
2           other fisheries research and development  
3           projects;

4           “(V) the organization and manage-  
5           ment of the project;

6           “(VI) methods proposed for moni-  
7           toring and evaluating the success or failure  
8           of the project; and

9           “(VII) such other criteria as the Sec-  
10          retary may require; and

11          “(iii) the application selected for funding  
12          meets the proposal developed by the American  
13          Fisheries Advisory Committee under subsection  
14          (f).

15          “(B) JUSTIFICATION.—If the Secretary fails to  
16          provide funds to a grant selected by the Committee,  
17          the Secretary shall provide a written document to  
18          the Committee justifying the decision.”.

19 **SEC. 3. PUBLIC AVAILABILITY OF GRANTS PROPOSALS.**

20          Section 2(e) of the Act of August 11, 1939 (15  
21          U.S.C. 713c-3(e)), is amended by adding at the end the  
22          following:

23                 “(6) Any person awarded a grant under this  
24          subsection shall make publicly available a title and  
25          abstract of the project to be carried out by the grant

1 funds that serves as the public justification for fund-  
 2 ing the project that includes a statement describing  
 3 how the project serves to enhance United States  
 4 fisheries, including harvesting, processing, mar-  
 5 keting, and associated infrastructures, if applica-  
 6 ble.”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “American Fisheries Ad-*  
 9 *visory Committee Act”.*

10 **SEC. 2. AMERICAN FISHERIES ADVISORY COMMITTEE.**

11 *(a) ESTABLISHMENT.—Section 2 of the Act of August*  
 12 *11, 1939 (15 U.S.C. 713c–3), is amended by adding at the*  
 13 *end the following:*

14 *“(f) AMERICAN FISHERIES ADVISORY COMMITTEE.—*

15 *“(1) DEFINITIONS.—In this subsection:*

16 *“(A) COMMITTEE.—The term ‘Committee’*  
 17 *means the American Fisheries Advisory Com-*  
 18 *mittee established under paragraph (2).*

19 *“(B) FISHING COMMUNITY.—The term ‘fish-*  
 20 *ing community’ means harvesters, marketers,*  
 21 *growers, processors, recreational fishermen, char-*  
 22 *ter fishermen, and persons providing them with*  
 23 *goods and services.*

24 *“(C) MARKETING AND PROMOTION.—The*  
 25 *term ‘marketing and promotion’ means an activ-*

1           *ity aimed at encouraging the consumption of*  
2           *seafood or expanding or maintaining commercial*  
3           *markets for seafood.*

4           “(D) *PROCESSOR.*—*The term ‘processor’*  
5           *means any person in the business of preparing*  
6           *or packaging seafood (including seafood of the*  
7           *processor’s own harvesting) for sale.*

8           “(E) *SEAFOOD.*—*The term ‘seafood’ means*  
9           *farm-raised and wild-caught fish, shellfish, or*  
10           *marine algae harvested in the United States or*  
11           *by a United States flagged vessel for human con-*  
12           *sumption.*

13           “(2) *ESTABLISHMENT.*—*Not later than 90 days*  
14           *after the date of the enactment of the American Fish-*  
15           *eries Advisory Committee Act, the Secretary shall es-*  
16           *tablish 6 regions within the American Fisheries Advi-*  
17           *sory Committee as follows:*

18           “(A) *Region 1 shall consist of Alaska, Ha-*  
19           *waii, the Commonwealth of the Northern Mar-*  
20           *iana Islands, and the Territories of Guam and*  
21           *American Samoa.*

22           “(B) *Region 2 shall consist of Maine, New*  
23           *Hampshire, Massachusetts, Rhode Island, and*  
24           *Connecticut.*

1           “(C) *Region 3 shall consist of Texas, Ala-*  
2           *bama, Louisiana, Mississippi, Florida, Arkan-*  
3           *sas, Puerto Rico, and territory of the Virgin Is-*  
4           *lands.*

5           “(D) *Region 4 shall consist of California,*  
6           *Washington, Oregon, and Idaho.*

7           “(E) *Region 5 shall consist of New Jersey,*  
8           *New York, Delaware, Maryland, Virginia, North*  
9           *Carolina, South Carolina, and Georgia.*

10          “(F) *Region 6 shall consist of Michigan,*  
11          *Minnesota, Wisconsin, Illinois, Indiana, Ohio,*  
12          *and Pennsylvania.*

13          “(3) *MEMBERSHIP.—The Committee shall be*  
14          *composed of the following members:*

15                 “(A) *REGIONAL REPRESENTATION.—Each*  
16                 *of the regions listed in subparagraphs (A)*  
17                 *through (F) of paragraph (2) shall be represented*  
18                 *on the Committee by 3 members—*

19                         “(i) *who are appointed by the Sec-*  
20                         *retary;*

21                         “(ii) *who reside in a State or territory*  
22                         *in the region that the member will rep-*  
23                         *resent;*

24                         “(iii) *of which—*

1                   “(I) one shall have experience as a  
2                   seafood harvester;

3                   “(II) one shall have experience as  
4                   a processor; and

5                   “(III) one shall have experience as  
6                   a recreational fisher; and

7                   “(iv) that are selected so that the mem-  
8                   bers of the Committee have experience or ex-  
9                   pertise with as many seafood species as  
10                  practicable.

11                  “(B) AT-LARGE MEMBERS.—The Secretary  
12                  shall appoint to the Committee at-large members  
13                  to ensure that the Committee fairly reflects the  
14                  expertise and interest of the fishing community  
15                  located in each region, as follows:

16                  “(i) One individual with experience in  
17                  mass market food distribution.

18                  “(ii) One individual with experience  
19                  in mass market food retail or food service.

20                  “(iii) One individual with experience  
21                  in the marketing of seafood.

22                  “(iv) One individual with experience  
23                  in growing seafood.

24                  “(v) One individual with experience as  
25                  a recreational fisher.

1                   “(vi) *One individual who is an em-*  
2                   *ployee of the National Marine Fisheries*  
3                   *Service with expertise in fisheries research.*

4                   “(vii) *One individual that represents*  
5                   *the fisheries science community.*

6                   “(4) *MEMBER TERMS.—The term for a member*  
7                   *of the Committee shall be 3 years, except that the Sec-*  
8                   *retary shall designate staggered terms for the members*  
9                   *initially appointed to the Committee.*

10                  “(5) *RESPONSIBILITIES.—The Committee shall*  
11                  *be responsible for—*

12                         “(A) *identifying needs of the fishing com-*  
13                         *munity that may be addressed by a project fund-*  
14                         *ed with a grant under subsection (c);*

15                         “(B) *developing the request for proposals for*  
16                         *such grants;*

17                         “(C) *reviewing applications for such grants;*  
18                         *and*

19                         “(D) *selecting applications for approval*  
20                         *under subsection (c)(2)(B).*

21                  “(6) *CHAIR.—The Committee shall elect a chair*  
22                  *by a majority of those voting, if a quorum is present.*

23                  “(7) *QUORUM.—A simple majority of members*  
24                  *of the Committee shall constitute a quorum, but a*  
25                  *lesser number may hold hearings.*

1           “(8) *MEETINGS.*—

2                   “(A) *FREQUENCY.*—*The Committee shall*  
3                   *meet not more than 2 times each year.*

4                   “(B) *LOCATION.*—*The meetings of the Com-*  
5                   *mittee shall rotate between the geographic regions*  
6                   *described under paragraph (2).*

7           “(9) *STAFF.*—*The Committee may employ staff*  
8           *as necessary.*

9           “(10) *PER DIEM AND EXPENSES AND FUND-*  
10           *ING.*—

11                   “(A) *IN GENERAL.*—*A member of the Com-*  
12                   *mittee shall serve without compensation, but*  
13                   *shall be reimbursed in accordance with section*  
14                   *5703 of title 5, United States Code, for reason-*  
15                   *able travel costs and expenses incurred in per-*  
16                   *forming duties as a member of the Committee.*

17                   “(B) *FUNDING.*—*The reimbursements made*  
18                   *under subparagraph (A) shall be paid with the*  
19                   *funds made available for grants under subsection*  
20                   *(c).*

21           “(11) *CONFLICT OF INTEREST.*—*The conflict of*  
22           *interest and recusal provisions set out in section*  
23           *302(j) of the Magnuson-Stevens Fishery Conservation*  
24           *and Management Act (16 U.S.C. 1852(j)) shall apply*  
25           *to any decision by the Committee and to all members*

1       of the Committee as if each member of the Committee  
2       is an affected individual within the meaning of such  
3       section 302(j), except that in addition to the disclo-  
4       sure requirements of section 302(j)(2)(C) of such Act  
5       (16 U.S.C. 1852(j)(2)(C)), each member of the Com-  
6       mittee shall disclose any financial interest or rela-  
7       tionship in an organization or with an individual  
8       that is applying for a grant under subsection (c) held  
9       by the member of the Committee, including an inter-  
10      est as an officer, director, trustee, partner, employee,  
11      contractor, agent, or other representative.”

12      (b) *ROLE IN APPROVAL OF GRANTS.*—Section 2(c)(3)  
13      of the Act of August 11, 1939 (15 U.S.C. 713c–3(c)(3)), is  
14      amended to read as follows:

15      “(3)(A) No application for a grant under this sub-  
16      section may be approved unless—

17                      “(i) the Secretary is satisfied that the appli-  
18                      cant has the requisite technical and financial ca-  
19                      pability to carry out the project;

20                      “(ii) the Secretary evaluates the proposed  
21                      project as to—

22                                      “(I) the selections of the Committee es-  
23                                      tablished in subsection (f);

24                                      “(II) soundness of design;

1                   “(III) the possibilities of securing pro-  
2                   ductive results;

3                   “(IV) minimization of duplication  
4                   with other fisheries research and develop-  
5                   ment projects;

6                   “(V) the organization and management  
7                   of the project;

8                   “(VI) methods proposed for monitoring  
9                   and evaluating the success or failure of the  
10                  project; and

11                  “(VII) such other criteria as the Sec-  
12                  retary may require; and

13                  “(iii) the application selected for funding  
14                  meets the proposal developed by the American  
15                  Fisheries Advisory Committee under subsection  
16                  (f).

17                  “(B) JUSTIFICATION.—If the Secretary fails to  
18                  provide funds to a grant selected by the Committee,  
19                  the Secretary shall provide a written document to the  
20                  Committee justifying the decision.”.

1 **SEC. 3. EXPANSION OF SPECIFIED PURPOSES OF FISHERIES**  
2 **RESEARCH AND DEVELOPMENT PROJECTS**  
3 **GRANTS PROGRAM TO INCLUDE FISHERIES**  
4 **RESEARCH AND DEVELOPMENT PROJECTS.**

5 *Section 2(c)(1) of the Act of August 11, 1939 (15*  
6 *U.S.C. 713c-3(c)(1)) is amended by inserting “fisheries*  
7 *science, recreational fishing,” before “harvesting.”*

8 **SEC. 4. PUBLIC AVAILABILITY OF GRANTS PROPOSALS.**

9 *Section 2(c) of the Act of August 11, 1939 (15 U.S.C.*  
10 *713c-3(c)), is amended by adding at the end the following:*

11 *“(6) Any person awarded a grant under this*  
12 *subsection shall make publicly available a title and*  
13 *abstract of the project to be carried out by the grant*  
14 *funds that serves as the public justification for fund-*  
15 *ing the project that includes a statement describing*  
16 *how the project serves to enhance United States fish-*  
17 *eries, including harvesting, processing, marketing,*  
18 *and associated infrastructures, if applicable.”.*



Calendar No. 283

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1322**

[Report No. 115-193]

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## **A BILL**

To establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes.

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DECEMBER 11, 2017

Reported with an amendment